

331 Shady Ridge Drive  
Monroeville, Pennsylvania

November 8, 2019

*Via Paper Filing*

Judge Jeffrey Watson  
PA PUC Pittsburgh Administrative Law Judge Office  
301 Fifth Ave, Suite 220  
Piatt Place  
Pittsburgh, PA 15222

Cc: Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission  
Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company

RE: **Michele Hriadil and Francis Hriadil v. Duquesne Light Company**  
Docket No. C-2016-2571726  
**Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time.**

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2019 NOV 13 PM 1:35  
PA PUC  
SECRETARY'S BUREAU

Dear ALJ Watson:

Your Honor's order specified a hearing in November. The dates of November 20-21, 2019 were scheduled.

On October 30, end-of-day, the Complainants were served by mail with a Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence by the Respondent, which was dated October 28, 2019. The response time of 20 days is stipulated in the document. The due date occurs right before the Hearing, introducing an unfair burden on the Complainants, disrupting the Complainants' final hearing preparations, and rushing the Court, providing the Court with little time for a fair consideration and ruling after that due date.

Two days later, on November 1, end-of-day, the Complainants were served by mail with a second motion, Motion in Limine to Preclude Complainants Purported Expert Testimony, by the Respondent, which was dated October 30, 2019. Again, the response time of 20 days is stipulated in the document. The due date occurs right at the start of the Hearing, further unfairly burdening the Complainants, disrupting the Complainants' final hearing preparations, and further rushing the Court, providing no time for a fair consideration and ruling after our response is due.

**These dispositive motions were both served, concurrently (on Oct 30 and Nov 1) at these late dates before our upcoming Hearing, while we are fully engaged in finalizing our preparations for that Hearing.**

A 20 day response time for each Respondent motion is stipulated in each document. It is the PA code standard to allow parties, such as ourselves, sufficient time to properly review and formulate our response to each and every independent motion that an opposing party files. My disabilities and clinical conditions can make this response time difficult and unreasonable depending on the circumstances, such as multiple concurrent motions, illness, etc., and a response time extension has been required at times, especially when dealing with large,

detailed, and multiple motions, such as these, that the Respondent has repeatedly filed in the past.

**We cannot concurrently and properly address these motions and our final preparations for our Hearing, under the timing and tactics being employed here by the Respondent.**

Again, it must be restated that, we are not a multi-billion dollar company represented by a professional law firm, and do not have anywhere near their staff and resources at our disposal. It is our position that these filings are an unreasonable annoyance, embarrassment, oppression, and burden on the Complainants, essentially attacking two (2) elderly people representing ourselves (with Francis Hriadil bearing virtually all of the load for preparation and Francis Hriadil having a number of chronic medical conditions), in **direct violation of PA Code § 5.361(a)(2) and contrary to the Americans with Disabilities Act (ADA)**. It is a blatant purposely-timed nuisance tactic to disrupt the Complainants in our final preparations. It has already interfered and hindered our final preparations for the scheduled hearing, bringing said preparations to a virtual halt in order for us to properly review and address these motions, thereby **depriving us of due process**.

At the cost of time away from our final preparations for our Hearing, Complainants rushed to generate a response to the Respondent's first motion, its Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence. Complainants generated an initial reply/answer to this first motion, entitled Answer to Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissible Evidence, which was filed by mail on November 6, 2019. And, as previously stated, this required us to halt our final hearing preparations.

Concerning the Respondent's second motion, its Motion in Limine to Preclude Complainants Purported Expert Testimony, dated October 30 and received by us end-of-day on November 1, the exhibits that the Respondent provides with their motion consist of the expanded Expert Reports that the Complainants were ordered by Your Honor to provide (or have our expert witnesses precluded from participation on our behalf) against our strong objection, the standards followed in other PA PUC Formal Complaints, and your February 6, 2018 Prehearing Order rules and instructions to which both parties agreed. These were served on July 10, 2019. And also, the Respondent offers Complainants' Response to Respondent's Second Set of Discovery Requests Directed to Complainants which was served on January 12, 2018.

**The Respondent "sat" on this material for well more than three (3) months, since July 10, 2019, and did nothing. And now, the Respondent files this motion at this late date, on top of and in concurrence with their first motion concerning evidence. This is unconscionable.**

This is another occurrence in a pattern of filings by the Respondent to introduce complications and hardship into the proceeding for the Complainants which has led to delays; to inundate, debilitate, and unduly burden the Complainants; to force the Complainants to proceed at a pace and in a manner that is beyond both our physical and financial means (at the risk of our health); and to push the Complainants into a Hearing at a major disadvantage.

- the Respondent is well aware of the Complainants' ages and circumstances, and Francis Hriadil's clinical conditions and disability, and they continue to try to unfairly leverage this to their advantage

- the Respondent is also well aware of the Hearing date schedule and the disruption, complication, and untenable hardship this imposes on the Complainants and our final preparations with this late filing

Furthermore, if one refers to the prior Litigation Schedules issued by this Court, one will see the following:

- In the litigation schedule defined in Your Honor's December 15, 2017 Prehearing Order, a Hearing date of April 26-27, 2018 was scheduled. All dispositive motions had to be filed by March 1, 2018, more than 56 days before the Hearing, and before evidentiary exhibits had to be exchanged.
- In the follow-on amended litigation schedule defined by Your Honor's March 14, 2018 Supplemental Prehearing Order, a Hearing date of July 18-19, 2018 was scheduled. All dispositive motions had to be filed by June 4, 2018, more than 44 days before the Hearing, and before evidentiary exhibits had to be exchanged.

The Respondent filed its two (2) dispositive motions in limine on October 28 and 30 respectively, a mere 21 days before the Hearing scheduled on November 20-21, and after evidentiary exhibits were exchanged. This maneuver provides the Complainants with no time to properly respond, during this critical final preparation period before our Hearing.

Untimely filings of this nature compromise the integrity of this proceeding; disrespect the Court, the Complainants, and the scheduled Hearing schedule set by Your Honor; flagrantly violate the accommodations afforded to the Complainants by the Americans with Disabilities Act (ADA), and deprive the Complainants of due process.

To summarize,

- the Respondent, a professional and officer of the court, has employed a tactic here that is compromising the integrity of this proceeding and disrespecting the order of this court through its untimely filing
- the Respondent has done this with full awareness of the Complainants' ages, limitations, and clinical disabilities
- this Court has recognized the Complainants' ages, limitations, and clinical disabilities in the past by granting the Complainants the needed time to properly respond and prepare
- the Respondent, a professional and officer of the court, in employing this tactic, is behaving with malice towards the Complainants, and is dishonoring this proceeding and the Court's order
- the Respondent, in employing this tactic, is acting in violation of, and contrary to, PA Code § 5.361(a)(2)
- the Respondent, in employing this tactic, is blatantly disregarding the Americans with Disabilities Act (ADA)
- the Respondents motions are repetitious and frivolous and, given proper timing and reasonable time, could be comprehensively refuted by the Complainants

- the Respondent, in employing this concurrent and late filing tactic, is essentially “piling onto” the Complainants at this late date and in this manner, and weaponizing the Court’s order against the Complainants

The Complainants request that Your Honor either:

- grant an immediate Summary Judgment in favor of the Complainants and our Complaint, and against the Respondent, because of the Respondent’s clear and blatant misbehavior, disrespecting both this Court and the Complainants, and making it impossible for the Complainants to have a fair Hearing

or,

- the Complainants stand ready to review and generate a full and proper response to the Respondent’s untimely, last minute Motion in Limine to Preclude Complainants Purported Expert Testimony, which we received on November 1, concurrently with the Respondent’s Motion in Limine concerning our evidence.
- the Complainants wish to make full use of the stipulated 20 day response period, to further review, and possibly amend, our initial November 6 answer to Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence, to which we felt compelled to quickly formulate a response to.
- the Complainants wish to do this in a timeframe and manner that does not compromise or harm our final preparations for our Hearing, and our rights to due process.
- the Complainants cannot respond fully and properly to these concurrent motions and also concurrently complete our final preparations for a hearing on November 20 - 21.
- if these frivolous motions are allowed to stand, the Complainants require more time.
- in addition to the 20 day response times, the Complainants wish to ensure sufficient time for this Court to properly review the Respondent’s motions and the Complainants’ responses before ruling, especially considering the upcoming holidays.
- for due process, the Complainants will require a continuance of at least 70 days for an Evidentiary Hearing, whose date should be determined. as in the past, by the availability of the court and everyone’s witnesses,

or,

- immediately quash these untimely motions, and grant the Complainants the time we have lost (at least 10 days), which we cannot make up, in completing our final Hearing preparations, in order to review the Respondent’s detailed concurrent motions and respond with our initial November 6 Answer... to the Respondent’s October 28 Motion in Limine..., and this November 8 Request, concerning both of these frivolous filings.

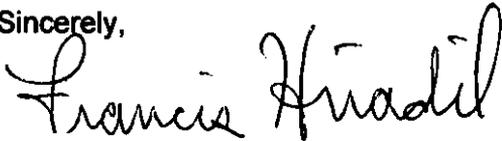
This situation was created by the Respondent with its recent concurrent motions and untimely filings. Our request here is reasonable and necessary under the circumstances, in order for this complicated Formal Complaint proceeding to be fair and equitable, and for us to receive due process.

**The Complainants suggest, in the interest of justice, fairness, due process, and reason, that this Court either grant our Motion for Summary Judgment; the necessary continuance to properly address these filings; or immediately quash these motions and grant the Complainants the time we have lost, from completing our final preparations for our Hearing to address this matter, and do so with haste, as this frivolous distraction has already considerably interfered with Complainants' time that should have been spent on completing our final preparations for our Hearing.**

Complainant's request and Certificate of Service have been filed with the Commission's Secretary, in accordance with Commission Regulations.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Francis Hriadil  
Complainant  
(412) 779-3314  
hriadil@attglobal.net

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

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**CERTIFICATE OF SERVICE**

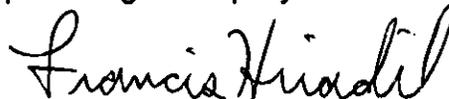
I hereby certify that I have this day served a true copy of Complainants' **Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time**, upon the participants listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

*Via Paper Filing*  
Judge Jeffrey Watson  
PA PUC Pittsburgh Administrative Law Judge Office  
301 Fifth Ave, Suite 220  
Piatt Place  
Pittsburgh, PA 15222

*Via Paper Filing*  
Jeremy V Farrell, Esquire  
Paul S Miller, Esquire  
One PPG Place - 1500  
Pittsburgh, PA 15222  
(412) 594-5619 (Fax)

Counsel for Respondent, Duquesne Light Company

Dated this 8<sup>th</sup> day of November, 2019



Michele and Francis Hriadil  
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Monroeville, Pennsylvania  
(412) 779-3314  
[hriadil@attglobal.net](mailto:hriadil@attglobal.net)

**CERTIFIED MAIL**

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Monroeville, PA 15146



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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Keystone Building, 2nd Floor  
Harrisburg, Pennsylvania 17120

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